(FW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

pplication of : Neubauer, A. et al) Art Unit: 1653

U.S. Appln. No. : 10/624,149) Examiner: To be assigned

Confirmation No.: 5659

U.S. Filing Date: July 21, 2003

Title of Invention: gM-NEGATIVE EHV-MUTANTS WITHOUT HETEROLOGOUS

ELEMENTS

Attny. Docket No.: 1/1372

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

June 11, 2004

TRANSMITTAL LETTER FOR INFORMATION DISCLOSURE STATEMENT

Sir:

Transmitted herewith concerning the subject application is an Information Disclosure Statement (Form 1449A/B) under 37 C.F.R. §§1.56 and 1.97, as more specifically described hereinbelow.

§1.53 37 C.I on the	of a national ay (d); ii) within F.R. §1.491 in e merits; or iv	This Statement is be opplication other than a three (3) months of the an international application under 37 C.F.R. §	continued prose ne date of entry cation; iii) befo a first Office ac	ecution applic of the nationa ore the mailing	cation under 33 C al stage as set fort g of a first Office	F.R. h in action
	• • • • • • • • • • • • • • • • • • • •	This Statement is but before the mailing date under 37 C.F.R. §1.31	ate of: i) a final	action under	37 C.F.R. §1.113	

A statement as specified in 37 C.F.R. §1.97(e) [see below]; or

The fee set forth in 37 C.F.R. §1.17(p).

prosecution in the application. This Statement is being accompanied by:

	The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.
§1.97(c)	This Statement is being filed after the period specified in 37 C.F.R. out on or before payment of the issue fee. This Statement is accompanied by a as specified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R.
	97(e).
(Each item of information contained in the instant information disclosure attement was first cited in any communication from a foreign patent office in a unterpart foreign application not more than three (3) months prior to the filing of e instant information disclosure statement; or
1 1 1	No item of information contained in the instant information disclosure attement was cited in a communication from a foreign patent office in a counterpart reign application, and, to the knowledge of the person signing this certification after aking reasonable inquiry, no item of information contained in the instant formation disclosure statement was known to any individual designated in 37 C.F.R56(c) more than three (3) months prior to the filing of the instant information sclosure statement.
I	The fee set forth in 37 C.F.R. §1.17(p).
	The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.
disclosu counter in section	To 2 Each item of information contained in the accompanying information e statement was cited in a communication from a foreign patent office in a rt application, which communication was not received by any individual designated 1.56(c) more than thirty (30) days prior to the filing of the accompanying on disclosure statement.

The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

Triplicate copies of this form are enclosed.

Respectfully submitted,

Susan K. Pocchiari

Attorney for Applicant(s)

Reg. No. 45,016

Patent Department Boehringer Ingelheim Corp. 900 Ridgebury Road, P.O. Box 368 Ridgefield, CT 06877

Tel: (203) 798-5648 Date: June 11, 2004 Certificate of Mailing

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner For Patents

P. O. Box 1450

Alexandria, VA 22313-1450

on June 11, 2004.

Susan K. Pocchiari, Reg. No. 45,016

JUN 1 6 2004

PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE sons are required to respond to a collection of information unless it contains a valid OMB control number. Under the Paperwork

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Substitute for form 1449A/PTO

Complete if Known Application Number 10/624,149 Filing Date July 21, 2003 First Named Inventor Neubauer, A. et al Art Unit 1653 Examiner Name To be assigned

(Use as many sheets as necessary, Attorney Docket Number 1/1372

Examiner	Cite	Document Number	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where Relevant Passages or Relevant
Initials*	Cite No.1	Number-Kind Code ^{2 (# known)}	MM-DD-YYYY	Applicant of Cited Document	Relevant Passages or Relevant Figures Appear
		^{US-} 6,193,983	02/27/2001	Brendan Scott Crabb et al	
		US-			
		US-			
		US-	****		
		US-			
		US-			
· d · Transcoloria		us-			
		US-			
	 	US-			
	<u> </u>	us-			
· · · · · · · · · · · · · · · · · · ·	ļ	US-			
·····		US-			
	· }	US-			
	·	US-			
	·	US-			
	 	US-			
	 	US-			
	 	US-			

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.1	Foreign Patent Document Country Code ³ 'Number ⁴ 'Kind Code ⁵ (<i>if known</i>)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Τ°	
J		EP 1129722 A1	09/05/2001	Boehringer Ingelheim Vetmedica GmbH	.4434		
		· · · · · · · · · · · · · · · · · · ·		······································		L	
						┝	
					,	十	

Examiner		Date	
Signature		Considered	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Approved for use through 06/30/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449B/PTO Complete if Known Application Number 10/624,149 Filing Date INFORMATION DISCLOSURE July 21, 2003 First Named Inventor STATEMENT BY APPLICANT Neubauer, A. et al Art Unit 1653 (Use as many sheets as necessary) Examiner Name To be assigned Attorney Docket Number Sheet 1/1372

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<u> </u>	, _ , _ , _ 		
		NON PATENT LITERATURE DOCUMENTS	_
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Γ²
		NIKOLAUS OSTERRIEDER ET AL; The Equine Herpesvirus 1 Glycoprotein gp21/22a, the Herpes Simplex Virus Type 1 gM Homolog, Is Involved in Virus Penetration and Cell-to-Cell Spread of Virions; Journal of Virology June* 1996 Vol. 70 No. 6 Page 4110-4115; American Cancer Society for Microbiology	
	••••••	ANTONIE NEUBAUER ET AL; Equine Herpesvirus 1 Mutants Devoid of Glycoprotein B or M Are Apathogenic for Mice but Induce Protection against Challenge Infection; Virology 1997 Vol. 239 pages 36-45; Institute for Medical Microbiology, Munich, Germany	••••
		CHRISTIAN SEYBOLDT ET AL; Equine Herpesvirus 1 (EHV-1) Glycoprotein M: Effect of Deletions of Transmembrane Domains; Virology 2000 Vol. 278 pages 477- 489; Institute of Molecular Biology and Infectology, Insel Reims, Germany	••••
		Copy of International Search Report Reference No. PCT/EP 03/07730	
	•••••••		
	***************************************		****
	······································		••••
	·•••••••••••••••••••••••••••••••••••••		
	•••••••		
			_

Signature Considered Considered	Examiner	Date	
	Signature	Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete his form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TQ: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.